



South Florida Water Management District

GOVERNING BOARD MEETING MINUTES

January 8, 2008

9:00 AM

Grand Bay Miami Hotel, Ballroom A, B and C

2669 South Bayshore Drive

Miami, Florida 33133

Members Present:

Eric Buermann, Chair

Michael Collins

Charles Dauray

Shannon Estenoz

Nicolás Gutiérrez, Vice-Chair

Melissa Meeker

Patrick Rooney

Harkley Thornton

Malcolm Wade

1. Call to Order - Eric Buermann, Chairman

Chair Buermann called the meeting to order at 9:05 am.

2. Pledge of Allegiance - Eric Buermann, Chairman

Vice Chair Gutiérrez lead the group in the Pledge of Allegiance.

3. Approval of Minutes from the last month's Governing Board Meeting

Approval of December 12, 2007, Workshop minutes held at Headquarters and December 13, 2007, Business Meeting minutes held at Palm Beach County Convention Center in West Palm Beach, Florida.

Motion made by Nicolás Gutiérrez, seconded by Michael Collins to Approve the following item(s): 3

Vote called. Voting yes: Nicolás Gutiérrez, Michael Collins, Eric Buermann, Charles Dauray, Melissa Meeker, Patrick Rooney, Harkley Thornton, Malcolm Wade. Not present: Shannon Estenoz. Motion passed.

4. Agenda Addendum - Annette Carter, Director, Office of Governing Board and Executive Services

Annette Carter, Director, Office of Governing Board and Executive Services, read into the record the Agenda Addendum. Copies were made available to the public.

Ms. Carter announced Items 36 and 42 have been moved from the Discussion Agenda to the Consent Agenda.

5. Local Government Presentations - Evan Skornick, Acting Service Center Director, Miami Dade Service Center

Evan Skornick, Acting Service Center Director, Miami Service Center, welcomed everyone to Miami.

John Renfrow, Director, Miami Dade Water & Sewer Department, thanked the Board for partnering with Miami Dade Water & Sewer. He reported on the alternative water supply projects being done in Miami.

Commissioner Marc Sarnoff, City of Miami, welcomed everyone to the City of Miami and reported on Miami's water supply issues. Commissioner Sarnoff invited Board members and staff to their Commission meeting on January 24th.

Mr. Collins reported on the District's five-year water supply plans and Senate Bill 444.

Ms. Estenoz provided comment on water related issues and local government's outreach programs.

Michael Davis, Keith & Schnars, presented an award to the Board for the South Dade Watershed Study and Plan.

6. Recognition of Governing Board - Eric Buermann, Chairman

This item was postponed.

7. Abstentions by Board Members from items on the Agenda

Mr. Wade abstained from Regulatory Consent Agenda Item 12, page 5, #2 Clewiston Water Treatment Plant, (App 071012-8); Regulatory Consent Agenda Item 12, page 5, #3 Hillard Brothers Farm 8, (App 070626-3); Discussion Agenda Item 30, Temporary Pump Alternatives & Structural Stability Concerns.

8. Water Resource Advisory Commission Report - Michael Collins, Chair

Mr. Collins provided the monthly report of the Water Resource Advisory Commission activities. Mr. Collins reported on the WRAC action items.

Consent Agenda

9. Public Comment on Consent Agenda

There was no public comment on the Consent Agenda.

10. Pull Items for Discussion from Consent Agenda

There were no items pulled from the Consent Agenda to the Discussion Agenda.

11. Board Comment on Consent Agenda

There was no Board comment on the Consent Agenda.

Water Resources

12. Water Use Permit Applications

Surface Water Management Permit Applications (includes Conservation Easements)

Environmental Resource Permit Applications (includes Conservation Easements)

Everglades Works of the District Permit Applications

Lake Okeechobee SWIM Works of the District Permit Applications

Denials

Consent Agreements

Environmental Resource Permit Extensions

Enforcement Actions

Page 8 No 1 Portales LLC (ERP): **Postponed** to February Board

Page 16 No 14 Riverwalk (WU): **Postponed** to February Board

Page 19 No 5 St. Lucie West Services District Irrigation (WU): **Postponed** to February Board

Page 20 No 1 Mainlands Forsythe Colony Sixteen (WU Denial): **Postponed**

Page 25 No 3101 Ranch Shell Pit (Consent Agreement): **Postponed** to February Board

13. Right of Way Occupancy New Permits

Right of Way Occupancy Permit Modifications

Right of Way Occupancy Permit Requests with Waiver of District Criteria

14. Enter Final Orders Concurring with the Granting of Temporary Variances from Water Shortage Restrictions Imposed within the Lower East Coast, Lake Okeechobee Service Area, Upper East Coast and Lower West Coast (Terrie Bates, ext. 6952)

15. Enter Final Orders Denying Applications for Variances from Water Shortage Restrictions Imposed within the Lower East Coast, Lake Okeechobee Service Area, Upper East Coast and Lower West Coast (Terrie Bates, ext. 6952)
16. **2008-100** A Resolution of the Governing Board of the South Florida Water Management District authorizing the reallocation of certain funds within the Alternative Water Supply Grants Program; confirming the recommended total project funding as approved in September 2007 due to Fiscal Year 2008 State appropriation decrease from \$18,000,000 to \$15,600,000; providing an effective date (Mark Elsner, ext. 6156)
17. **2008-101** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 1 year cooperative agreement with the Loxahatchee River District for Water Quality and Biological Monitoring in the amount of \$356,000, of which the District's total contribution is \$267,000, for which \$178,000 in dedicated funds (state appropriations) and \$89,000 in ad valorem funds are budgeted; providing an effective date. (Contract Number 4600001281) (Gordon Hu, ext. 6720)
18. **2008-102** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 1 year cooperative agreement with the Loxahatchee River District for Loxahatchee River Public Outreach, Projects II & III, in the amount of \$773,169, of which the District's total contribution is \$386,584, for which \$100,000 in dedicated funds (state appropriations) is budgeted, and the remainder is subject to Governing Board approval of a future amendment of the FY08 budget; providing an effective date. (Contract Number 4600001280) (Gordon Hu, ext. 6720)

Everglades Restoration Resources

36. **2008-113** A Resolution of the Governing Board of the South Florida Water Management District authorizing eminent domain proceedings for the acquisition of land interests containing 32.74 acres, more or less, in Miami-Dade County, for the C-111/L-31N Canal Project; for which dedicated funds (Florida Forever Trust Fund) are available; approve declaring surplus, disposal of, and removal from the asset records, any such structures and improvements deemed unnecessary for the stated purpose of the original land acquisition; providing an effective date. (Tom Hanaway, ext. 6668)
19. **2008-103** A Resolution of the Governing Board of the South Florida Water Management District approving Staff recommendations for Releases of District Canal, Mineral and Road Reservations, Releases of Trustees of the Internal Improvement Trust Fund (T.I.I.T.F.) Canal Reservations, and Issuance of Non-Use Commitments; providing an effective date. (Vinola Rada, ext. 6836)

20. **2008-104** A Resolution of the Governing Board of the South Florida Water Management District designating Stormwater Treatment Areas 1 East and 1 West as "Stormwater Treatment Areas", as that term is defined in Rule 40E-7.521(29), Florida Administrative Code, for purposes of Chapter 40E-7, Part V, Florida Administrative Code; providing an effective date. (Steve Coughlin, ext. 2603)

Executive Office

21. **2008-105** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 1 year cost share agreement with the City of St. Cloud, for St. Cloud Water Management Partnership FY08 in the total amount of \$2,000,000, of which, the District's total contribution is \$400,000 for which ad valorem funds are budgeted; providing an effective date.(Contract Number 4600001190) (Larry Pearson ext 3817)
22. **2008-106** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into an 8 month contract with the City of Marco Island for Drainage System Improvements with outfall replacement and inlet retrofit, in the total amount of \$600,000, of which \$200,000 in dedicated funds (Big Cypress Basin) are budgeted, providing an effective date. (Contract Number 4600001265) (Kent Feng, ext. 7609)
23. **2008-107** A Resolution of the Governing Board of the South Florida Water Management District to authorize District staff to file suit or administrative complaint and take all appropriate action, including authority to settle, subject to approval of the Executive Director, against Michael and Fiona Brown, Daniel Bourbeau, and Lisa Mason in the Ninth Judicial Circuit in and for Osceola County regarding violations of Chapter 373 of the Florida Statutes and Chapter 40E of the Florida Administrative Code, concerning unauthorized filling of wetlands, and against any other appropriate or necessary parties in the appropriate court; providing an effective date. (Doug MacLaughlin, Ext. 2153)

Corporate Resources

24. **2008-108** A Resolution of the Governing Board of the South Florida Water Management District amending the Fiscal Year 2007 2008 Budget; providing an effective date. (Doug Bergstrom, ext. 6214)
25. **2008-109** A Resolution of the Governing Board of the South Florida Water Management District authorizing the transfer of funds within the District Budget as shown on the attachment hereto; providing an effective date. (Doug Bergstrom, ext 6214)

Operations and Maintenance

42. **2008-119** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 210 day contract with Thomas Marine Construction Incorporated, the lowest responsive and responsible bidder, for the Golden Gate No. 1 Scour Repair Project, in the amount of \$692,000 for which dedicated funds (Big Cypress Basin) are budgeted; providing an effective date.(Contract Number 4600001290) (Alex Garcia ext. 6186).

26. **Board Vote on Consent Agenda**

Mr. Wade abstained from Regulatory Consent Agenda Item 12, page 5, #2 Clewiston Water Treatment Plant, (App 071012-8); and Regulatory Consent Agenda Item 12, page 5, #3 Hillard Brothers Farm 8, (App 070626-3).

Motion made by Michael Collins, seconded by Nicolás Gutiérrez to Approve the following item(s): 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 36, 42

Vote called. Voting yes: Michael Collins, Nicolás Gutiérrez, Eric Buermann, Charles Dauray, Shannon Estenoz, Melissa Meeker, Patrick Rooney, Harkley Thornton, Malcolm Wade. Motion passed.

Workshop Agenda

Everglades Restoration Resources

27. **Everglades Restoration Update** - Tommy Strowd, Assistant Deputy Executive Director, Everglades Restoration, and Tom Teets, Program Implementation Manager, Everglades Restoration

Tommy Strowd, Assistant Deputy Executive Director, provided introductory information on this agenda item.

Tom Teets, Program Implementation Manager, presented information on the Lake Okeechobee Phase II Technical Plan and reported on comments and response summaries of the draft plan.

Mr. Teets reported on the St. Lucie and Caloosahatchee River Watershed Protection Plans and said updates will be provided at future Lake Okeechobee Committee meetings.

Mr. Wade reported on concerns from the Lake Okeechobee Committee which included funding and the modification process of the reports. Mr. Wade commended staff for their hard work on these plans.

28. **Briefing on Tentatively Selected Plan for C-111 Spreader Canal** - Dewey Worth, Director, Southern Everglades Restoration Division

John Shaffer, Project Manager, Southern Everglades Restoration Division, presented information on the Tentatively Selected Plan for the C-111 Spreader Canal. The project is one of 11 CERP projects authorized for implementation under WRDA 2000.

Mr. Shaffer reported on the existing system, the yellow book alternatives, the incremental adaptive restoration approach (IAR), and separating the project into two phases (Eastern and Western), with separate Project Implementation Reports (PIRs).

Mr. Shaffer reported on the cost estimates for the Western PIR features.

Ms. Estenoz had concerns about the size of the pump at the S177 structure.

Mr. Shaffer provided additional information pertaining to the infrastructure of S177.

Kim Taplin, U.S. Army Corps of Engineers, also provided comment on the seepage issues in this area and the capacity for pumping.

Mr. Collins provided background information on this project, past water quality issues, and increased costs due to modeling issues.

Executive Office

29. Overview of Chapter 373, Florida Statute, Water Resources (Part I of Multi-part Series) - Sheryl Wood, General Counsel, and Sarah Nall, Deputy General Counsel, Office of Counsel

Sheryl Wood, General Counsel, presented introductory information on Chapter 373, Florida Statute, Water Resources.

Ms. Wood reported on the origin and evolution of Chapter 373, and explained that all district programs and operations must relate to an authorizing statute.

Ms. Wood reported on the jurisdiction, the legislative authority, the declaration of policy by the the Legislature, and the general powers and duties of the Governing Board. Ms. Wood reported on the Water Resource Plan annual reports, and the general rulemaking authority plus the issuance of emergency orders.

Discussion Agenda

Water Resources

30. Water Conditions Report (Susan Sylvester, ext. 6152)

Temporary Pump Alternatives & Structural Stability Concerns (Larry Carter, ext. 6170)

A.) Adopt a resolution declaring an emergency and authorizing the Executive Director to procure equipment, services and commodities necessitated by the emergency conditions

B.) Authorize budget transfers up to \$25,000,000 to accommodate procurements necessitated by the emergency conditions.

Susan Sylvester, Director, Operations Control, provided the Water Conditions Report. Ms. Sylvester reported on the below normal rainfall in November and December 2007 and stated 2006/2007 set a new 2-year record low total of 83.6" of rainfall.

Larry Carter, Assistant Deputy Executive Director, presented information on the temporary pump alternatives and structural stability concerns. Mr. Carter reported on the structure locations and the temporary pumps for the Everglades Agriculture Area (EAA) and Brighton Reservation.

Mr. Carter reported on the structure stability concerns for S65E, S71, S72 and S84.

Ms. Estenoz asked about cost-share funding with the USACE.

Kim Taplin, USACE, reported on the funding and said they would have to do a rehabilitation report.

There was one vote for Agenda Items 30 A & B.

Motion made by Nicolás Gutiérrez, seconded by Melissa Meeker to Approve the following item(s): 30

Vote called. Voting yes: Nicolás Gutiérrez, Melissa Meeker, Eric Buermann, Michael Collins, Charles Dauray, Shannon Estenoz, Patrick Rooney, Harkley Thornton. Abstained: Malcolm Wade. Motion passed.

31. Lake Okeechobee Conditions Report (Chip Merriam, ext. 6597)

Chip Merriam, Deputy Executive Director, presented information on the Lake Okeechobee Conditions report.

32. Water Shortage Emergency Update & Action Items including, but not limited to, modifying restrictions in areas presently under water shortage restrictions, if necessary, additional water shortage declarations, contracts and / or any other necessary actions to address the water shortage conditions (Chip Merriam, ext. 6597)

A.) POSTPONED - Approve Water Shortage Order for the City of West Palm Beach (Chip Merriam, ext. 6597)

B.) Approve removal of limiting condition on consumptive use permits prohibiting the use of new water in the Lower West Coast (Chip Merriam, ext. 6)

C.) Consideration of utility/municipal and golf course requests for variance from Phase III restrictions (Chip Merriam, ext. 6597)

D.) Approve funding assistance not to exceed \$500,000, for which dedicated funds are available from the Alternative Water Supply funding source, to Palm Beach County to accelerate completion and start-up of the Lake Regional Water Treatment Plant (Chip Merriam, ext. 6597)

Chip Merriam, Deputy Executive Director, presented information on this agenda item.

Motion made by Nicolás Gutiérrez and seconded by Charles Dauray to approve the Agenda Item 32 (B). Vote called. Voting Yes: Buermann, Collins, Dauray, Estenoz, Gutiérrez, Meeker, Rooney, Thornton, and Wade. Motion passed.

Motion made by Charles Dauray and seconded by Nicolás Gutiérrez to approve the Agenda Item 32 (C). Vote called. Voting Yes: Buermann, Collins, Dauray, Estenoz, Gutiérrez, Meeker, Rooney, Thornton, and Wade. Motion passed.

Mr. Collins provided comment on reuse systems.

Ms. Estenoz provided comment on alternative water supplies.

Mr. Dauray provided comment on water supply and the seasonal population in his jurisdiction.

Mr. Rooney provided comment on the golf courses and outreach regarding alternative water supplies.

Public Comment: Gary Witt representing Palm Beach Country Club and Seminole Golf Club commented on the variance process.

Motion made by Patrick Rooney and seconded by Michael Collins to approve the Agenda Item 32 (D). Vote called. Voting Yes: Buermann, Collins, Dauray, Estenoz, Gutiérrez, Meeker, Rooney, Thornton, and Wade. Motion passed.

- 33. 2008-110** A Resolution of the Governing Board of the South Florida Water Management District to authorize an amendment to contract 3600000952 with HydroMentia, Inc., for one additional year of operation and maintenance of the Taylor Creek Algal Turf Scrubber® Nutrient Recovery Facility and authorize a Sole Source Procurement as an exception to the general standards of competition, to extend the term from January 31, 2008 to January 31, 2009, and to increase funding in the total amount of \$300,000, for which dedicated funds (Save Our Everglades Trust Fund) are budgeted; providing an effective date. (Contract Number 3600000952-A02) (David Unsell ext. 6888)

Chip Merriam, Deputy Executive Director, presented information on this agenda item.

Motion made by Melissa Meeker, seconded by Nicolás Gutiérrez to Approve the following item(s): 33

Vote called. Voting yes: Melissa Meeker, Nicolás Gutiérrez, Eric Buermann, Michael Collins, Charles Dauray, Shannon Estenoz, Patrick Rooney, Harkley Thornton, Malcolm Wade. Motion passed.

- 34. 2008-111** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a two year contract with HydroMentia, Inc. for the design, installation and operation of an Algal Turf Scrubber® (ATS TM) Mobile Pilot Unit (MPU) and the design of a full-scale ATS TM system in the Everglades Agricultural Area, and authorize a Sole Source Procurement as an exception to the general standards of competition, in the amount of \$495,000, for which dedicated funds (Save Our Everglades Trust Fund) are budgeted; providing an effective date. (Contract Number 4600001289) (David Unsell ext. 6888)

Chip Merriam, Deputy Executive Director, presented information on this agenda item.

Motion made by Melissa Meeker, seconded by Nicolás Gutiérrez to Approve the following item(s): 34

Vote called. Voting yes: Melissa Meeker, Nicolás Gutiérrez, Eric Buermann, Michael Collins, Charles Dauray, Shannon Estenoz, Patrick Rooney, Harkley Thornton, Malcolm Wade. Motion passed.

- 35. 2008-112** A Resolution of the Governing Board of the South Florida Water Management District to authorize an amendment to contract 4600000978 with Lee County for the Powell Creek Algal Turf Scrubber System in the total amount of \$1,205,000, of which the District's total contribution is \$1,205,000 and authorize a budget transfer (Save Our Everglades Trust Fund) from the Watershed Management Department (Water Resources) to the Lower West Coast Service Center (Government and Public Affairs); providing an effective date. (Contract Number 4600000978)(Phil Flood, ext 7768)

Chip Merriam, Deputy Executive Director, presented information on this agenda item.

Motion made by Melissa Meeker, seconded by Nicolás Gutiérrez to Approve the following item(s): 35

Vote called. Voting yes: Melissa Meeker, Nicolás Gutiérrez, Eric Buermann, Michael Collins, Charles Dauray, Shannon Estenoz, Patrick Rooney, Harkley Thornton, Malcolm Wade. Motion passed.

Everglades Restoration Resources

- 37. 2008-114** A Resolution of the Governing Board of the South Florida Water Management District accepting the Lake Okeechobee Watershed Construction Project Phase II Technical Plan and directing staff to submit the Technical Plan to the legislature; providing an effective date. (Tom Teets, ext. 4012)

There was no presentation provided as the Plan was reviewed under the workshop portion of the meeting.

Public Comment: Joan Lawrence, Department of Interior, commended staff for the work they have done fast tracking this plan.

Public Comment: Kim Taplin, U.S.

Army Corps of Engineers, supports this comprehensive plan.

Motion made by Michael Collins, seconded by Shannon Estenoz to Approve the following item(s): 37

Vote called. Voting yes: Michael Collins, Shannon Estenoz, Eric Buermann, Charles Dauray, Nicolás Gutiérrez, Melissa Meeker, Patrick Rooney, Harkley Thornton, Malcolm Wade. Motion passed.

Executive Office

- 38. 2008-115** A Resolution of the South Florida Water Management District to authorize entering into a 12 month Purchase Order with Meridian Partners, LLC for the implementation and completion of the Project Systems module to our existing SAP Systems and authorize a Waiver of Competition as an exception to the general standards of competition, in the amount of \$2,300,800 of which \$1,927,800 of ad valorem funds are budgeted in FY08; and the remainder is subject to Governing Board approval of the FY09 budget; providing an effective date. (Bernardo Camarena, ext. 6421)

Paul Dumars, Chief Financial Officer, presented information on this agenda item.

Motion made by Melissa Meeker, seconded by Malcolm Wade to Approve the following item(s): 38

Vote called. Voting yes: Melissa Meeker, Malcolm Wade, Eric Buermann, Michael Collins, Charles Dauray, Shannon Estenoz, Nicolás Gutiérrez, Patrick Rooney, Harkley Thornton. Motion passed.

Operations and Maintenance

- 39. 2008-116** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into an 8 month cooperative agreement with Miami-Dade County for Coral Gables Canal Loop Bank Stabilization in the total amount of \$1,800,000, with the District's total contribution being \$1,000,000, of which \$250,000 in ad valorem funds are budgeted and \$750,000 from an external grant from the Natural Resource Conservation Service are subject to Governing Board approval of a January budget amendment; providing an effective date (Contract Number 4600001264)(Evan Skornick x7290).

Evan Skornick, Acting Director, Miami Dade Service Center, presented information on this agenda item. He said this is a cooperative agreement with Miami-Dade County.

Motion made by Nicolás Gutiérrez, seconded by Malcolm Wade to Approve the following item(s): 39

Vote called. Voting yes: Nicolás Gutiérrez, Malcolm Wade, Eric Buermann, Michael Collins, Charles Dauray, Shannon Estenoz, Melissa Meeker, Patrick Rooney, Harkley Thornton. Motion passed.

- 40. 2008-117** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 555 day contract with Interlaken Incorporated, the lowest responsive and responsible bidder, for the S-129 / S-131 Pump Station Repowering and Pump Refurbishment, in the amount of \$4,027,000, for which ad valorem funds of \$1,600,000 are budgeted; and the remainder is subject to Governing Board approval of the FY09 budget; providing an effective date. (Contract Number 4600001276) (Robin Deaton, ext. 2628)

No presentation was provided.

Motion made by Melissa Meeker, seconded by Shannon Estenoz to Approve the following item(s): 40

Vote called. Voting yes: Melissa Meeker, Shannon Estenoz, Eric Buermann, Michael Collins, Charles Dauray, Nicolás Gutiérrez, Patrick Rooney, Harkley Thornton, Malcolm Wade. Motion passed.

- 41. 2008-118** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 630 day contract with Douglas N. Higgins Incorporated, the lowest responsive and responsible bidder for Pump Stations S-127 & S-133 Pump Refurbishment & Bearing Replacement in the amount of \$3,221,000 for which ad valorem funds in the amount of \$960,000 are budgeted; and the remainder is subject to Governing Board approval of the FY09 budget; providing an effective date. (Contract Number 4600001277) (Robin Deaton, ext. 2628)

No presentation was provided.

Motion made by Melissa Meeker, seconded by Malcolm Wade to Approve the following item(s): 41

Vote called. Voting yes: Melissa Meeker, Malcolm Wade, Eric Buermann, Michael Collins, Charles Dauray, Shannon Estenoz, Nicolás Gutiérrez, Patrick Rooney, Harkley Thornton. Motion passed.

43. Annual Performance Evaluation of Executive Director (Sandra Turnquest, ext. 6351)

Sandra Turnquest, Deputy Executive Director, provided information on this agenda item.

Chair Buermann provided information regarding Ms. Wehle's performance evaluation by the Board.

Chair Buermann recommended an 8 percent increase in Ms. Wehle's salary.

Motion made by Malcolm Wade, seconded by Melissa Meeker to Approve the following item(s): 43

Vote called. Voting yes: Malcolm Wade, Melissa Meeker, Eric Buermann, Michael Collins, Charles Dauray, Shannon Estenoz, Nicolás Gutiérrez, Patrick Rooney, Harkley Thornton. Motion passed.

44. Public Comment

Public Comment: Juanita Green, Friends of the Everglades, had concerns about an EPA report and phosphorus contamination in the soil.

Ken Ammon, Deputy Executive Director, reported on water storage and the EAA reservoir.

Mr. Merriam said the District did not comment on the report. Mr. Merriam reported on the mercury, sulfur and phosphorus in the soil.

Mr. Dauray thanked Ms. Green for her concern to protect the Everglades.

Mr. Gutiérrez provided comment on the goals that the District has met thus far for Everglades Restoration.

Staff Reports

45. Legislative Update - Deena Reppen

Garrett Wallace, Director, Legislative & State Operations, provided an oral report on legislative issues.

46. General Counsel Report - Sheryl Wood

Ms. Wood provided an oral report on the General Counsel report and provided updates on petitions filed with the District.

47. Executive Director's Report - Carol Wehle

Ms. Wehle reported on outreach materials distributed throughout the area on water shortage and water conservation.

Ms. Wehle reported on a staff member, Joseph Rodriguez, who lost his house due to a fire. There has been an account setup at the credit union for donations for the family.

48. Board Comment

Ms. Meeker reported on the Susan G. Komen Race for the Cure walk on January 19th.

Mr. Gutiérrez commended staff who work for the Leadership Team.

Closed Door Agenda

Executive Office

- 49.** Attorney-client session pursuant to Fla. Stat. Section 286.011(8)(2006) to discuss strategy related to litigation expenditures in United States of America v. South Florida Water Management District, et al. United States District Court, Southern District of Florida, Case No. 88-1886-CIV-Moreno. Sheryl G. Wood, Ext. 6976

Action Items (if any) Stemming from Closed Session

Attorney-client session pursuant to Fla. Stat. Section 286.011(8)(2006) to discuss strategy related to litigation expenditures in United States of America v. South Florida Water Management District, et al. United States District Court, Southern District of Florida, Case No. 88-1886-CIV-Moreno. Sheryl G. Wood, Ext. 6976

Chair Buermann adjourned the meeting to closed-door session at 12:00 pm. Chair Buermann said they would reconvene in approximately 1 hour.

Chair Buermann reconvened the meeting at 1:15 pm.

Sheryl Wood, General Counsel, said no action would be taken at this time on Agenda Item 49.

Adjournment

52. Adjourn

Chair Buermann adjourned the meeting at 2:50 pm.

Eric Buermann
Chairman
South Florida Water Management District Governing Board

Recorded By:

Cathy Widness
Administrative Assistant Senior
Governing Board and Executive Services
SFWMD